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HDP/SB/21 based on PTO/SB/21 (08-00)



# TRANSMITTAL FORM

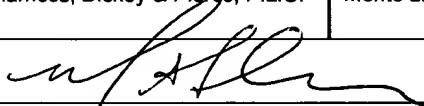
(to be used for all correspondence after initial filing)

		Application Number	09/770,097 ✓
		Filing Date	January 24, 2001
		First Named Inventor	S. Muirhead
		Group Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	4075-000002

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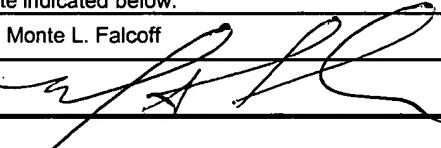
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)		
	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form HDP-1449 (10 sheets); 171 U.S. Patent Documents, 5 Foreign Patent Documents, 14 Other Documents		
	Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.		Attorney Name Monte L. Falcoff	Reg. No. 37,617
Signature				
Date	May 17, 2001			

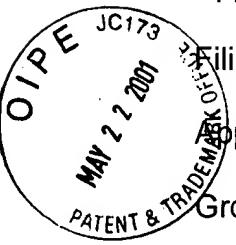
## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Monte L. Falcoff 		
Signature		Date	May 17, 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application No.: 09/770,097

Filing Date: January 24, 2001

Applicant: S. Muirhead

Group Art Unit:

Examiner:

Title: THERMOFORMED APPARATUS HAVING A  
COMMUNICATIONS DEVICE

Attorney Docket: 4075-0000002

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Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

**II. COPIES**

A. XXX Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B.        Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C.  This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A.  Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B.  A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1.  See the attached foreign search report.
2.  English translations are provided for:
3.  Other:

PCT Publication No. WO 98/21691 discloses a method for accurately identifying identification codes of a plurality of non-contact IC cards.

Japanese Patent No. 10-32851 discloses a receiving signal containing a time information code which shows a message and time information and a specified time, and when a decoder 3 reads the time information code, the decoder 3 reads the specified time that follows the time information code and stores it in a memory part 9, and then periodically performs time comparison processing which compares the current time with the specified time stored in the part 9, and when the current time matches with the specified time, the decoder 3 outputs a ring tone and shows a corresponding message.

Japanese Patent No. 9-41756 discloses a lock manipulation member 20 which contract-operates an operation member 16 against an energizing force of an elastic member from the vertical direction at a locking action position and a rotary manipulation type lock 14 which operates this lock manipulation member at a locked position and a lock cancel position, are provided on the front board of a specific drawer.

C.  The following additional information is provided for the Examiner's consideration. The references discussed in the Background of the Invention portion of the present application are also brought to the Examiner's attention.

The following references are believed to be of somewhat more relevance than the other cited references: JP 10-032851; U.S. 6,027,027 (Smithgall);

U.S. 6,013,949 (Tuttle); U.S. 5,448,110 (Tuttle, et al.); U.S. 5,908,135 (Bradford, et al.); and U.S. 5,971,592 (Kralj, et al.). Notwithstanding, the Examiner is respectfully requested to review all of the cited references and make his/her own relevancy determination.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. XXX The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
09/377,792	August 20, 1999	1732

V. THIS IDS IS BEING FILED UNDER

A. XXX 37 C.F.R. § 1.97(b): (check only one box)

1.        within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2.        within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. XXX before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4.        before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B.        37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1.        No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2.  See the certification below. No fee is required.

C.  37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1.  See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A.  each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)); or

B.  no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C.  Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (check only one box)

A.  A check in the amount of \$180.00 is enclosed for the above-identified fee.

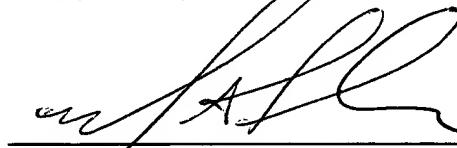
B.  Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

By: 

Monte L. Falcoff  
Reg. No. 37,617

Dated: May 17, 2001  
HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600



3.

FORM HDP-1449 (Based on Form PTO-1449)		ATTORNEY DOCKET NO.	SERIAL NO.
		4075-000002	09/770,097
		APPLICANT	
		S. Muirhead	
		FILING DATE	GROUP
		January 24, 2001	
Sheet 1 of 10			

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		3,398,434	08/27/68	Alesi, Jr., et al.		
2.		3,583,036	06/08/71	Brown		
3.		3,597,799	08/10/71	Earle		
4.		3,695,188	10/03/72	Granatstein		
5.		3,702,100	11/07/72	Wharton		
6.		3,779,687	12/18/73	Alesi		
7.		3,783,078	01/01/74	Brodhead		
8.		3,787,158	01/22/74	Brown, et al.		
9.		3,867,088	02/18/75	Brown, et al.		
10.		3,868,209	02/25/75	Howell		
11.		3,919,382	11/11/75	Smarook		
12.		3,919,445	11/11/75	Smarook		
13.		3,919,446	11/11/75	Smarook		
14.		3,964,400	06/22/76	Brand		
15.		4,013,021	03/22/77	Steinlein, et al.		
16.		4,070,839	01/31/78	Clem		
17.		4,079,232	03/14/78	Brokoff, et al.		
18.		4,101,252	07/18/78	Brown		
19.		4,113,909	09/12/78	Beasley		
20.		4,133,270	01/09/79	Ravera		
21.		4,158,539	06/19/79	Arends, et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE**  
**INFORMATION DISCLOSURE CITATION**  
 (Use several sheets if necessary)

Sheet 2 of 10

ATTORNEY DOCKET NO.	SERIAL No.
4075-000002	09/770,097
APPLICANT	
S. Muirhead	
FILING DATE	GROUP
January 24, 2001	

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,164,387	08/14/79	Schermutzki, et al.		
23.		4,164,389	08/14/79	Beasley		
24.		4,194,663	03/25/80	West, et al.		
25.		4,244,915	01/13/81	Boardman		
26.		4,255,382	03/10/81	Arends, et al.		
27.		4,287,836	09/08/81	Aoki		
28.		4,348,442	09/08/82	Figge		
29.		4,377,377	03/22/83	Arends, et al.		
30.		4,428,306	1/31/84	Dresen et al.		
31.		4,464,329	08/07/84	Whiteside, et al.		
32.		4,488,496	12/18/84	Polacco		
33.		4,500,213	2/19/85	Grimm		
34.		4,507,348	03/26/85	Nagata, et al.		
35.		4,509,432	04/09/85	Win		
36.		4,509,909	04/09/85	Arends		
37.		4,513,048	04/23/85	Kaube, et al.		
38.		4,531,901	07/30/85	Andersen		
39.		4,555,381	11/26/85	Chazal, et al.		
40.		4,600,376	07/15/86	Gillman, et al.		
41.		4,606,278	08/19/86	Shuert		

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FORM HDK-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE**  
**INFORMATION DISCLOSURE CITATION**  
 (Use several sheets if necessary)

Sheet 3 of 10

ATTORNEY DOCKET NO.	SERIAL NO.
4075-000002	09/770,097
APPLICANT	
S. Muirhead	
FILING DATE	GROUP
January 24, 2001	

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		4,608,009	08/26/86	Whiteside, et al.		
43.		4,636,348	01/13/87	Whiteside		
44.		4,649,007	03/10/87	Bonis, et al.		
45.		4,666,544	05/19/87	Whiteside, et al.		
46.		4,742,781	05/10/88	Shuert		
47.		4,801,347	1/31/89	Garwood		
48.		4,846,077	07/11/89	Win		
49.		4,907,515	03/13/90	Win		
50.		4,969,812	11/13/90	Brown		
51.		5,007,225	04/16/91	Teasdale		
52.		5,030,501	07/09/91	Colvin, et al.		
53.		5,042,396	08/27/91	Shuert		
54.		5,046,434	09/10/91	Breezer, et al.		
55.		5,071,603	12/10/91	Kurumaji, et al.		
56.		5,088,418	02/18/92	Reckermann, et al.		
57.		5,108,529	04/28/92	Shuert		
58.		5,117,762	06/02/92	Shuert		
59.		5,123,359	06/23/92	DelBalso		
60.		5,123,541	06/23/92	Giannini, et al.		
61.		5,143,778	09/01/92	Shuert		

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FORM HDR-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE**  
**INFORMATION DISCLOSURE CITATION**  
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Sheet 4 of 10

ATTORNEY DOCKET NO.	SERIAL NO.
4075-000002	09/770,097
APPLICANT	
S. Muirhead	
FILING DATE	GROUP
January 24, 2001	

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		5,156,782	10/20/92	Ballantyne		
63.		5,164,211	11/17/92	Comer		
64.		5,167,969	12/01/92	DeMaio, Jr., et al.		
65.		5,168,817	12/08/92	Nulle, et al.		
66.		5,197,395	03/30/93	Pigott, et al.		
67.		5,197,396	03/30/93	Breezer, et al.		
68.		5,225,213	07/06/93	Brown, et al.		
69.		5,226,373	07/13/93	Esch		
70.		5,229,648	7/20/93	Sues et al.		
71.		5,255,613	10/26/93	Shuert		
72.		5,283,028	02/01/94	Breezer, et al.		
73.		5,283,029	02/01/94	Ellemor		
74.		5,329,861	07/19/94	McCarthy		
75.		5,329,862	07/19/94	Breezer, et al.		
76.		5,337,681	08/16/94	Schrage		
77.		5,351,627	10/04/94	Junaedi		
78.		5,351,628	10/04/94	Breezer, et al.		
79.		5,351,629	10/04/94	Breezer, et al.		
80.		5,367,960	11/29/94	Schleicher		
81.		5,367,961	11/29/94	Arai, et al.		

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Date Considered:

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FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE**  
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Sheet 5 of 10

ATTORNEY DOCKET NO.	SERIAL NO.
4075-000002	09/770,097
APPLICANT	
S. Muirhead	
FILING DATE	GROUP
January 24, 2001	

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
82.		5,390,467	02/21/95	Shuert		
83.		5,391,251	02/21/95	Shuert		
84.		5,401,347	03/28/95	Shuert		
85.		5,402,735	04/04/95	DeJean		
86.		5,404,829	04/11/95	Shuert		
87.		5,407,632	04/18/95	Constantino, et al.		
88.		5,408,937	04/25/95	Knight, IV et al.		
89.		5,413,052	05/09/95	Breezer, et al.		
90.		5,427,732	06/27/95	Shuert		
91.		5,448,110	9/5/95	Tuttle et al.		
92.		5,470,641	11/28/95	Shuert		
93.		5,479,416	12/26/95	Snodgrass et al.		
94.		5,492,069	02/20/96	Alexander, et al.		
95.		5,505,141	04/09/96	Barber		
96.		5,517,188	5/14/96	Carroll et al.		
97.		5,527,585	06/18/96	Needham, et al.		
98.		5,531,585	07/02/96	Lupke		
99.		5,535,668	07/16/96	Besaw, et al.		
100.		5,539,775	7/23/96	Tuttle et al.		
101.		5,555,820	09/17/96	Shuert		

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Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE**  
**INFORMATION DISCLOSURE CITATION**  
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Sheet 6 of 10

ATTORNEY DOCKET NO.	SERIAL NO.
4075-000002	09/770,097
APPLICANT	
S. Muirhead	
FILING DATE	GROUP
January 24, 2001	

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
102.		5,583,819	12/10/96	Roesner et al.		
103.		5,596,933	01/28/97	Knight, et al.		
104.		5,606,921	03/04/97	Elder, et al.		
105.		5,620,715	04/15/97	Hart, et al.		
106.		5,624,622	04/29/97	Boyce, et al.		
107.		5,624,630	04/29/97	Breezer, et al.		
108.		5,635,129	06/03/97	Breezer, et al.		
109.		5,635,306	06/03/97	Minamida, et al.		
110.		5,638,760	06/17/97	Jordan, et al.		
111.		5,649,295	7/15/97	Shober et al.		
112.		5,661,457	8/26/97	Ghaffari et al.		
113.		5,664,322	9/9/97	Best		
114.		5,676,064	10/14/97	Shuert		
115.		5,686,928	11/11/97	Pritchett et al.		
116.		5,687,652	11/18/97	Ruma		
117.		5,708,423	1/13/98	Ghaffari et al.		
118.		5,716,581	02/10/98	Tirrell, et al.		
119.		5,755,162	05/26/98	Knight, et al.		
120.		5,769,003	06/23/98	Rose, et al.		
121.		5,774,876	6/30/98	Woolley et al.		

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FORM HDP-1449 (Based on Form PTO-1449)

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Sheet 7 of 10

ATTORNEY DOCKET NO.	SERIAL NO.
4075-000002	09/770,097
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January 24, 2001	

**U.S. PATENT DOCUMENTS**

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
122.		5,778,801	07/14/98	Delacour		
123.		5,782,129	07/21/98	Vanderzee, et al.		
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